

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 06-10075

v.

District Judge Judith E. Levy
Magistrate Judge R. Steven Whalen

BERNARD E. HENRY

Defendant.

REPORT AND RECOMMENDATION

This is a post-judgment student loan case. On February 10, 2017, Defendant Bernard E. Henry filed a request for a hearing on a writ of garnishment [Doc. #16]. The parties appeared for hearing on April 25, 2017. Proceeding under 28 U.S.C. § 636(b)(1)(B)¹, I recommend that the Defendant's request be DENIED AS MOOT.

DISCUSSION

The garnishee, Trion Solutions, Inc., filed an Answer [Doc. #24] indicating that Mr. Henry's employment was terminated on December 12, 2016. The parties agree that any objection to garnishment involving Trion Solutions is moot.

RECOMMENDATION

I therefore recommend that Mr. Henry's request/objection to garnishment [Doc. #16] be DENIED AS MOOT.

Any objections to this Report and Recommendation must be filed within fourteen

¹ Post-judgment objections to garnishment are not pretrial matters, and therefore a Magistrate Judge referred these matters must proceed by Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(b). *United States v. Tyson*, 265 F.Supp.2d 788, 789 (E.D. Mich. 2003); *Massey v. City of Ferndale*, 7 F.3d 506 (6th Cir. 1993).

(14) days of service of a copy hereof as provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be not more than twenty (20) pages in length unless by motion and order such page limit is extended by the court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: April 26, 2017

CERTIFICATE OF SERVICE

I hereby certify on April 26, 2017, that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants.

s/Carolyn Ciesla
Case Manager to
Magistrate Judge R. Steven Whalen